

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEBRASKA

3

4 UNITED STATES OF AMERICA,) 4:06CR3145
5 Plaintiff,)
6 vs.) Lincoln, Nebraska
7 O'DARI ZANDAGHE WILEY,) May 10, 2007
8 Defendant.) 3:32 p.m.

9

10

11 TRANSCRIPT OF PROCEEDINGS

12 BEFORE THE HONORABLE DAVID L. PIESTER

13 UNITED STATES MAGISTRATE JUDGE

14

15 APPEARANCES:

16 For the Plaintiff: Ms. Sara E. Fullerton
17 Assistant U.S. Attorney
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20 For the Defendant: Mr. John J. Velasquez
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24 Proceedings transcribed from audiotape, transcript
25 produced with computer.

1 (On May 10, 2007, at 3:32 p.m., the following
2 proceedings were held:)

3 THE COURT: Ms. Fullerton.

4 MS. FULLERTON: Your Honor, this is the
5 matter of United States versus O'Dari Wiley, Docket
6 4:06CR3145, matter comes on for anticipated change
7 of plea.

8 THE COURT: Mr. Velasquez, is the
9 defense ready to proceed?

10 MR. VELASQUEZ: We are, Your Honor.

11 THE COURT: Mr. Wiley, I want to remind
12 you that you have the right to proceed in this kind
13 of a hearing before a United States District Judge.
14 You may also waive that right and consent to
15 proceed before me, a United States Magistrate
16 Judge. I've been told you wish to proceed before
17 me; is that correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Has anyone threatened you
20 with harm or promised you anything in order to get
21 you to consent to proceed before me?

22 THE DEFENDANT: No, sir.

23 THE COURT: Do you do so freely and
24 voluntarily?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. I'll accept the
2 consent. Go ahead with the rearraignment.

3 MS. FULLERTON: Mr. Wiley, the
4 indictment alleges in substance as follows:

5 That between on or about January 1, 2002, and
6 on or about April 11, 2006, you were involved in a
7 conspiracy to distribute and possess with the
8 intent to distribute 50 grams or more of a mixture
9 or substance containing a detectable amount of
10 cocaine base, also known as crack cocaine, a
11 Schedule II controlled substance, in violation of
12 Title 21, United States Code Section 846.

13 Do you understand what you're charged with?

14 THE DEFENDANT: Yes, ma'am.

15 MS. FULLERTON: The possible penalty for
16 that charge is a term of imprisonment of not less
17 than 10 years nor more than life imprisonment, and
18 a fine of up to \$4 million. Following any term of
19 imprisonment there'd be a term of supervised
20 release of not less than five years. And there's
21 also a \$100 special assessment.

22 Do you understand the possible penalties?

23 THE DEFENDANT: Yes.

24 MS. FULLERTON: Have you had sufficient
25 time to discuss this case with your counsel?

1 THE DEFENDANT: Yes.

2 MS. FULLERTON: Do you need any more
3 time to talk to him before entering a plea today?

4 THE DEFENDANT: No.

5 THE COURT: How do you wish to plead at
6 this time?

7 THE DEFENDANT: Guilty.

8 THE COURT: Before the Court can accept
9 your guilty plea, we have to make sure it's knowing
10 and intelligent, that is that you know what you're
11 doing, the rights you're giving up and the
12 consequences. Also that it's voluntary, and also
13 that there is a factual basis for it.

14 The way we do that is to place you under oath
15 and ask you many of the same questions that are on
16 this petition to enter a plea of guilty. So if
17 you'll stand and raise your right hand, I'll have
18 the clerk administer the oath.

19 O'DARI ZANDAGHE WILEY, DEFENDANT, SWORN

20 THE COURT: You may be seated. Now that
21 you're under oath, you must tell the truth. If you
22 don't, that could be the basis of a perjury charge.

23 First, have you had in the last 24 hours any
24 alcohol or drugs?

25 THE DEFENDANT: No, sir.

1 THE COURT: Are you taking any
2 medication?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you seeing a doctor for
5 anything?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you feeling okay and
8 thinking clearly?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Were you and Mr. Velasquez
11 together when you went through this petition?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did he explain to you the
14 meaning of all of these questions?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you understand the
17 questions?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And are all of your answers
20 true?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: As I said, I'll ask you most
23 of them all over again. So if you have any
24 additional questions that you have that you want to
25 address, as we go through just simply tell me that

1 and we'll do that.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The petition says you're 21
4 years old. You have two-and-a-half years of
5 college. You've never been hospitalized or treated
6 for substance abuse or mental or emotional
7 conditions. Is that all correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Velasquez has been
10 representing you, has he explained to you the law
11 and the procedures that apply in the case?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has he investigated the case
14 to your satisfaction?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is there anything about his
17 representation of you that you're not satisfied
18 with?

19 THE DEFENDANT: No, sir. No.

20 THE COURT: You waive a number of
21 constitutional rights when you enter a guilty plea
22 to a felony offense so I want to go over those with
23 you.

24 You must know you have the right to plead not
25 guilty and to require the government to prove its

1 case against you in court. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you did that, you'd have
4 the right to a speedy and a public trial before a
5 jury of 12 persons selected from your peers. Do
6 you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You'd also have the right to
9 counsel at all stages of the case and if you
10 couldn't afford to hire your own attorney, one
11 would be appointed to represent you at no cost to
12 you. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You'd also have the right to
15 be present at the trial and to see and hear every
16 one of the witnesses who testifies against you,
17 and, through your attorney, to cross-examine them.
18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You'd also have the right to
21 use the subpoena power of the Court to compel the
22 attendance and testimony of others to be defense
23 witnesses for you, as well as production of other
24 evidence. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You'd also have the right to
2 take the witness stand and testify, or not, as you
3 choose, and no one can force you to take the
4 witness stand and testify at the trial. Do you
5 understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And if you chose not to
8 testify, the jury could not take that silence as
9 evidence of guilt. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Finally, you'd have the
12 right to be presumed innocent. That means you'd
13 have the right to be found innocent unless and
14 until the government proved each and every element
15 of the offense it charged you with beyond a
16 reasonable doubt to the unanimous satisfaction of
17 all 12 members of the jury. Do you understand
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, if the Court accepts
21 your guilty plea, you'll be found guilty without
22 any trial, the case will move forward to the
23 sentencing phase, and you will have given up all of
24 those constitutional rights except the right to
25 counsel. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: There are consequences, of
3 course, to your guilty plea. First, the possible
4 sentence. Do you understand unless there is some
5 downward departure from the statutory minimum, that
6 as a result of your plea here today you'll be going
7 to prison for at least 10 years?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And it could be for as long
10 as your entire life. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You could also be fined up
13 to \$4 million. You could have some combination of
14 fine and imprisonment. If there is imprisonment,
15 then afterwards there would be at least five years
16 of supervised release. And there's also a \$100
17 special assessment. Is that also your
18 understanding?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: There are other
21 consequences. You lose the right to vote, hold
22 public office, serve on a jury, and possess any
23 kind of a firearm. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You could also be ineligible

1 for various loan or grant programs funded by the
2 federal or state governments, also from certain
3 professional or commercial licenses. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you now on probation or
7 parole from any court?

8 THE DEFENDANT: No, sir, just pretrial
9 release.

10 THE COURT: Okay. Is there any
11 restitution here?

12 MS. FULLERTON: No, Your Honor.

13 THE COURT: Pleading guilty may not get
14 you any benefit in sentence. By that I mean the
15 judge can give you the same sentence whether you
16 plead guilty or you go to trial and are found
17 guilty. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You'll be sentenced in
20 accordance with the sentencing guidelines. Have
21 you and Mr. Velasquez talked about them?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: They are a system of
24 equalizing sentences across the nation for the same
25 or similar crimes. They evaluate the seriousness

1 of the crime, the seriousness of any criminal
2 history the defendant may have, the defendant's
3 involvement in the crime, and various other
4 factors.

5 Those are used then in developing a range of
6 possible sentences called the sentencing guideline
7 range, and the judge is expected to sentence the
8 defendant within that range. Is that your general
9 understanding?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: In determining your sentence
12 Judge Kopf will examine what we call all relevant
13 conduct. That means he'll consider all of the
14 facts and circumstances surrounding the offense
15 even if you're pleading guilty to less than all of
16 them. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: There are some things under
19 the sentencing guidelines that could increase your
20 sentence. For example, if you tell the probation
21 officer who's preparing the presentence report
22 something that isn't true, that could increase your
23 sentence.

24 Likewise, prior convictions in the last 15
25 years; if you committed this offense less than two

1 years after being released from prison; if you
2 committed this offense while you were on probation
3 or parole or supervised release or escape status;
4 or if you committed this offense as part of a
5 pattern of criminal conduct from which you got a
6 substantial portion of your income; in addition, in
7 this case, if you had two prior felony convictions
8 for either crimes of violence or drug trafficking,
9 that could substantially increase your sentence as
10 a career offender.

11 Do you understand that any or all of those
12 factors if they apply to you could increase your
13 sentence?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: In addition, if you
16 cooperate with the government and provide to them
17 what they say is substantial assistance, then your
18 sentence could be reduced under the guidelines as
19 well. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Ordinarily, once the
22 sentencing guideline range has been determined,
23 Judge Kopf will sentence a defendant within that
24 range. But he's not required by the law to do
25 that. The sentencing guidelines are not mandatory.

1 They're only advisory. So as we sit here today
2 there's no assurance that your sentence is going to
3 be within the sentencing guideline range. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You must know that if you
7 are sentenced to a period of incarceration, you
8 will serve all of that time in prison. There is no
9 parole. So your time in custody can be reduced
10 only by whatever good time you may earn, if you
11 earn it, up to 54 days a year. Do you understand
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Then after any incarceration
15 would be supervised release. Have you and Mr.
16 Velasquez talked about that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Essentially, you'll no
19 longer be in custody, but you'll be supervised by a
20 probation officer. You'll have to report to that
21 officer from time to time and you'll have to abide
22 by various conditions. Those conditions are
23 imposed by this Court. They may restrict where you
24 live or work or travel.

25 You can be subject to search, subject to drug

1 testing, required to participate in drug treatment
2 or other counseling. There could be any number of
3 conditions along those lines. Is that your general
4 understanding of it?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You must know that if you
7 violate any of your conditions of supervised
8 release, that release can be revoked and you can be
9 required to serve all of that time in prison. Do
10 you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: In addition, if you were to
13 do something that was not only a violation of your
14 conditions of release but also another crime, then
15 not only could you lose your supervised release on
16 this sentence but you could also be sentenced more
17 harshly on that crime. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Tell me about the plea
20 agreement.

21 MS. FULLERTON: Your Honor, in essence
22 the plea agreement is for Mr. Wiley to plead guilty
23 to Count I of the indictment.

24 Provided that he demonstrates acceptance of
25 responsibility to the probation officer and the

1 Court, the government would agree that he would
2 qualify for the full three-level reduction for
3 acceptance of responsibility.

4 Government agrees that Mr. Wiley will not be
5 federally prosecuted in the District of Nebraska
6 for violations of controlled substances law other
7 than the charge set out in Count I of the
8 indictment. This agreement is limited to
9 statements and acts of criminal conduct concerning
10 controlled substances which he committed in the
11 District of Nebraska prior to his initial
12 appearance in this case on October 3rd of 2006.

13 This is a non-cooperation agreement. If there
14 were to be cooperation, there would have to be
15 another document signed in the future.

16 Parties agree that Mr. Wiley is responsible
17 beyond a reasonable doubt for at least 50 grams of
18 a mixture or substance containing a detectable
19 amount of cocaine base and that his base offense
20 level shall not be less than 32.

21 The parties agree that the determination of
22 the amount of cocaine base in excess of 50 grams
23 for which he should be held responsible will be
24 reserved for disposition through the sentencing
25 process. And both parties reserve the right to

1 present evidence on that issue if necessary.

2 The parties further agree that Mr. Wiley
3 should not receive any upward or downward
4 adjustments for role in the offense. And Mr. Wiley
5 agrees not to seek any downward departure or
6 deviation from the sentencing guidelines for any
7 reason.

8 And that, in substance, is the plea agreement.

9 THE COURT: Mr. Velasquez, is that your
10 understanding of the main points of the plea
11 agreement?

12 MR. VELASQUEZ: Yes, Your Honor.

13 THE COURT: Mr. Wiley, is that your
14 understanding?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you and Mr. Velasquez
17 gone over this plea agreement letter paragraph by
18 paragraph?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did he explain each of these
21 provisions to you?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did he answer all your
24 questions about them?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any more
2 questions about any of them now?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you satisfied that you
5 know and understand this plea agreement and you can
6 abide by it?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Why did you make an
9 agreement with the government?

10 THE DEFENDANT: Because I was guilty,
11 and also I have two little sons I need to raise.

12 THE COURT: Okay. You must know that
13 your agreement is only between you and the
14 government. It's not binding on the Court. Do you
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I'll recommend to the
18 sentencing judge that he accept your plea
19 agreement. But he's not required by law to accept
20 it. He's allowed to either accept it or reject it.
21 If he rejects it, he doesn't have to give you a
22 chance to withdraw your guilty plea. Do you
23 understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Other than this plea

1 agreement has anyone promised you anything in order
2 to get you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anybody threatened you
5 or anyone close to you with any sort of harm in
6 order to get you to plead guilty?

7 THE DEFENDANT: No, sir.

8 THE COURT: Has anybody told you that
9 you would get a particularly light sentence by
10 pleading guilty?

11 THE DEFENDANT: No, sir.

12 THE COURT: And has anybody told you
13 exactly what your sentence will be?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you pleading guilty for
16 any reason we've not talked about here today?

17 THE DEFENDANT: No, sir.

18 THE COURT: Tell me about the factual
19 basis.

20 MS. FULLERTON: Your Honor, if this
21 matter would go to trial the government believes
22 the following information would go before the jury:

23 Robin Jackson has a cooperation agreement with
24 the government. She told officers that she met
25 Tallas Harris, Mr. Wiley's codefendant, through a

1 Clemet Bradley (phonetic) who was her source for
2 crack cocaine in early 2003.

3 A short time after that she said that Tallas
4 Harris introduced her to Mr. Wiley for the purpose
5 of her buying crack from Mr. Wiley. She said that
6 Harris and Wiley were essentially working as
7 partners in the distribution of crack; that if
8 Harris was not available, he would send Mr. Wiley
9 to deal with her.

10 She would call both of them to set up deals,
11 and she said she thought both of their phones were
12 with the same company and were listed under one of
13 their names.

14 She said that she usually bought half ounce
15 quantities from Mr. Harris, and occasionally
16 smaller quantities. She said she bought mostly
17 half-ounce quantities from Mr. Wiley. And she said
18 she thought that their source was Clemet Bradley,
19 who was in Chicago.

20 She said that, for example, Harris would be
21 gone for a few days, she would hear he was in
22 Chicago, and when he returned there would be crack
23 for them to sell.

24 She said she would call both of them and order
25 specific amounts of crack, which they would deliver

1 to her. She estimated that between early 2003 and
2 August of 2005, she obtained a total of 10 ounces
3 of crack from Harris and 10 ounces from Wiley.

4 Jason Robertson also pled guilty to a -- a
5 crack charge and agreed to cooperate. He testified
6 in Jerome Coleman's trial that he was buying crack
7 off and on from Mr. Coleman between 1996 and
8 October of 2005.

9 He said that he was told by Coleman that
10 Tallas Harris and O'Dari Wiley had been stopped by
11 the police in Illinois with a lot of money, and
12 that Coleman was going to try to get it back.

13 Theo Harvey also pled guilty to a federal
14 charge and agreed to cooperate. He had worked at
15 Coleman's shop and was selling to another person
16 who worked there who mentioned to him that Harris
17 and Wiley had put in some money on a trip to
18 Chicago to get crack, and had lost the money.

19 On January 11th of 2005, Sergeant Blanks of
20 the Illinois State Police stopped a car driven by
21 O'Dari Wiley in which Tallas Harris was a
22 passenger.

23 They -- the car was rented by Jerome Coleman,
24 who was not present in the vehicle. Both Mr.
25 Harris and Mr. Wiley told somewhat different

1 stories about where they were going. Sergeant
2 Blanks ultimately decided he was going to tow the
3 vehicle because the person who had rented it was
4 not present.

5 And he was preparing to do an -- prepared to
6 do an inventory search of the vehicle. During the
7 inventory search, prior to having it towed, he
8 found some marijuana residue on the passenger side
9 floorboard as well as an odor of marijuana in the
10 vehicle.

11 Determined he had probable cause to search,
12 searched the vehicle, found a blue suitcase
13 containing male clothing in the trunk. That
14 suitcase was claimed by Mr. Wiley. And it
15 contained two plastic grocery bags with large
16 bundles of cash, for a total of \$13,090 in cash.

17 Both Mr. Wiley and Mr. Harris essentially
18 claimed that money. Mr. Wiley said it was money
19 he'd saved since he was five or six years old. Mr.
20 Harris said it was money he was going to use to
21 have some rap CDs pressed that he had made.

22 And that, in essence, is the evidence.

23 THE COURT: Mr. Velasquez, do you agree
24 that if the case were to go to trial that
25 information would be presented to the jury?

1 MR. VELASQUEZ: Yes, sir.

2 THE COURT: Mr. Wiley, do you agree?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is that information true?

5 THE DEFENDANT: No, sir.

6 THE COURT: Tell me -- well, let's do it
7 this way. Tell me what you did that makes you
8 guilty.

9 THE DEFENDANT: Well, considering to the
10 paper, I wasn't here at the first beginning of
11 2003. I made it here in I think September of 2003.
12 And I had just graduated from high school May 23rd
13 of 2003. But on my behalf, I was involved in drugs
14 or whatever.

15 THE COURT: Well, let me ask you some
16 specifics. Was your involvement -- well, it
17 would've -- if you said you didn't get here until
18 2003, it would've been after 2002 obviously, up
19 until on or about April 11, 2006? Not all that
20 time, but at times between those dates.

21 THE DEFENDANT: I was involved in drugs.

22 THE COURT: Was it between those dates?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And was at least some of it
25 in Nebraska --

1 THE DEFENDANT: Yes, sir.

2 THE COURT: -- some of your actions?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. And you knew what you
5 were dealing in was crack cocaine?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You knew that was illegal?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And you did it in accordance
10 with whatever your arrangements were with at least
11 some of these other people; is that right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And do you also agree you're
14 responsible for at least 50 grams of a mixture
15 containing crack cocaine?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I think we've gone over
18 about everything. Do you have any questions you
19 want to address before we go any further?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you still want to plead
22 guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Ms. Fullerton, are there
25 additional questions I should ask the defendant?

1 MS. FULLERTON: No, Your Honor.

2 THE COURT: Mr. Velasquez?

3 MR. VELASQUEZ: No, sir.

4 THE COURT: Ms. Fullerton, are you
5 satisfied that the plea is knowing and intelligent,
6 that it's voluntarily entered and that there's a
7 factual basis for it?

8 MS. FULLERTON: Yes, Your Honor.

9 THE COURT: Mr. Velasquez, are you?

10 MR. VELASQUEZ: Yes, sir.

11 THE COURT: O'Dari Zandaghe Wiley -- I
12 apologize for the last pronunciation of the middle
13 name -- once more for the record, how do you plead?

14 THE DEFENDANT: Guilty.

15 THE COURT: I find that entry of the
16 plea is knowing and intelligent, that it's
17 voluntarily entered, and that there's a factual
18 basis for it. I therefore am signing a report and
19 recommendation that the plea and the plea agreement
20 be accepted.

21 On the assumption that it will be accepted,
22 I'll issue the order establishing the sentencing
23 schedule in the case. Among other things it
24 establishes the sentencing date at August 2, 2007,
25 at 12:30 in the afternoon. That is here in this

1 building in Courtroom No. 1, which is at the west
2 end of the hallway. Once again, August 2nd at
3 12:30 before Judge Kopf.

4 Is there anything further we should address?

5 MS. FULLERTON: No, Your Honor.

6 MR. VELASQUEZ: No, sir.

7 THE COURT: Sir, I will release you
8 under the same conditions. You are obviously to be
9 here for your sentencing date, and stay in touch
10 with your attorney and your supervising officer.

11 Is there anything else?

12 MS. FULLERTON: No, I don't think so.

13 MR. VELASQUEZ: No, sir.

14 THE COURT: Okay. On behalf of the --
15 of the Court, I want to acknowledge what you've
16 done. Not only are you doing the right thing,
17 you're also putting yourself in a position to at
18 least perhaps get a better sentence.

19 You're saving yourself the grief of going
20 through a trial. You're saving the -- the Court
21 and the -- the government the time and money it
22 takes to have a trial.

23 So even though obviously you've made some very
24 bad choices, your decision today was a good one and
25 I commend you for it.

1 THE DEFENDANT: Thank you.

2 THE COURT: We'll be in recess.

3 (3 : 54 p.m., recessed.)

4 I, Vicki L. Jarchow, Transcriber, certify that
5 the foregoing is a correct transcript from the
6 official electronic sound recording of the
7 proceedings in the above-entitled matter.

8

9 Vicki L. Jarchow May 23, 2007

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